

FIFTY-SIXTH DAY

(Monday, June 13, 1949)

The Senate met at 10:15 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Kelly of Tarrant and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 9, 1949, was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Morris.

Reports of Standing Committees

Senator Taylor submitted the following report:

Austin, Texas,
June 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 313, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

TAYLOR, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
June 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 253, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

JONES, Chairman.

Senate Bill 491 with House Amendments

Senator Bell called S. B. No. 491 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bell moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Vick

Absent—Excused

Carney

Report of Conference Committee on Senate Concurrent Resolution 58

Senator Cousins submitted the following report:

Austin, Texas,
May 25, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Committee, appointed to adjust the differences between the House and the Senate on S. C. R. No. 58, beg leave to report that we have considered the same and recommend that it do pass in the form attached hereto.

COUSINS
CARNEY
BULLOCK
KELLY of Tarrant
TYNAN

On the part of the Senate.

ZIVLEY
HENDERSON
SPARKS
HUGHES

On the part of the House.

Whereas, A plan has been devised to put socialized medicine into effect in the United States; and,

Whereas, This compulsory national "health insurance" program is not the solution to the problem of providing better health services for the sick and lame of our great Nation but that the real shortages are in health resources, such as the supplying of greater hospitals and more doctors for numerous communities; and,

Whereas, The United States has the highest standards of health, of medical care and of scientific medical facilities of any country of the world as a result of our system of free enterprise; and,

Whereas, Compulsory health insurance, wherever tried, has caused a decline in national health and deterioration of medical standards and facilities; and,

Whereas, Certain indications are that because of the efforts of some and the apathy of others, governments move to encroach on the professions one by one, and upon industry, is detrimental to the economic and social rights of the individuals of this great Nation; and,

Whereas, It is commonly known of attempts by governments to make inroads into the private operation of professions and businesses, medicine, labor, education, religion, and the rights of states and individuals; and,

Whereas, Wherever the government has assumed control of medical services, the result has been tremendous multiplication of costs over original estimates, extreme tax burdens and national deficits, and gradual extension of socialization into other activities of national life; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That we go on record as opposing socialized medicine or compulsory health insurance in all of its phases and that we request and urge the Senators and members of the House of Representatives representing Texas in the Congress of the United States to resist legislation setting up socialized medicine or compulsory health insurance; and be it further

Resolved, That a copy of this resolution be spread upon the Journal of the House of Representatives and the Senate. That the Clerk of the Senate is instructed to forward a copy of this resolution to each of our United States Senators and Congressmen of Texas, which will carry the seal of the State.

The report was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 68, Relative to commending the membership of Boys' State and Girls' State, the sponsoring organizations, the adults directing the sessions, and the officials appearing on their program, etc.

S. B. No. 40, A bill to be entitled "An Act amending Article 4766, as amended, and declaring an emergency."

S. B. No. 41, A bill to be entitled "An Act amending Article 4725, as amended, and declaring an emergency."

(With amendment)

S. B. No. 68, A bill to be entitled

"An Act amending Subsection 2 of Section 2, Acts 1947, 50th Legislature, page 417, Chapter 229, repealing Subsection 7 of Section 2, Acts 1947, 50th Legislature, page 417, Chapter 229; amending Section 4, Acts 1947, 50th Legislature, page 417, Chapter 229; and amending Section 7, Acts 1947, 50th Legislature, page 417, Chapter 229, to include certain amendments and added sections to Articles 8306 and 8307, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill 40, and House Bill 10, Acts 1947, 50th Legislature; providing a savings clause, and declaring an emergency."

S. B. No. 72, A bill to be entitled "An Act to amend Article 2326, R. C. S., 1925, as amended by Acts 1945, 49th Legislature, page 460, fixing the salaries of official shorthand reporters of Civil and Criminal District Courts and County Courts at Law, Civil and Criminal, to provide that such reporters shall receive a salary of not less than Three Thousand nor more than Four Thousand Eight Hundred Dollars per annum, payable in monthly installments in addition to transcript fees and traveling and hotel expenses now provided by law; etc.; and declaring an emergency."

(With amendment)

S. B. No. 83, A bill to be entitled "An Act making it unlawful for any person in attendance at any football, baseball or other athletic contest or game to throw a bottle, cushion, rock or other missile, such person not being a participant, player or game official in the athletic contest or game; prescribing a penalty for violation of this Act; and declaring an emergency."

S. B. No. 86, A bill to be entitled "An Act amending Chapter 3 of the Penal Code of the State of Texas by adding a new Article between Article 1333 and Article 1334, to be designated Article 1333A, making it unlawful to operate a motor boat while under the influence of intoxicants, or with an open exhaust, or in a reckless manner; providing a penalty; and declaring an emergency."

(With amendment)

S. B. No. 89, A bill to be entitled "An Act to authorize guardians of the estates of minors and executors and administrators of estates to contribute funds to charitable institutions and

religious causes, and declaring an emergency."

S. B. No. 93, A bill to be entitled "An Act amending Article 2620, Revised Civil Statutes of Texas, 1925, changing the name of the North Texas Junior Agricultural, Mechanical and Industrial College; providing for a governing board for said re-designated College; defining the power and duties of said board; authorizing the purposes of said College; providing the new designation of said College shall apply in all prior statutes or references; and declaring an emergency."

(With amendment)

S. B. No. 152, A bill to be entitled "An Act permitting the use of fruit jars with funnel attached for taking minnows for bait and the use of twenty-foot minnow seines and cast nets of any size mesh for taking certain rough fish in the public waters of the State of Texas; repealing conflicting laws and declaring an emergency."

S. B. No. 165, A bill to be entitled "An Act making an appropriation from the General Fund to reimburse Ruth Sapp, Clerk of the Court of Civil Appeals, 10th Supreme Judicial District of Texas, for money paid to the Treasurer of the State of Texas, properly belonging to her, through error, during the years 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944 and 1945; and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act amending Article 655, Revised Civil Statutes of Texas; and declaring an emergency."

S. B. No. 174, A bill to be entitled "An Act amending Article 657, Revised Civil Statutes of Texas; and declaring an emergency."

S. B. No. 202, A bill to be entitled "An Act to amend Article 666, of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 171, of the Acts of the 48th Legislature, and by Chapter 289, of the Acts of the 50th Legislature, etc., and declaring an emergency."

S. B. No. 211, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, amending Article 3939, Revised Civil Statutes of Texas, 1925, providing for the compensation of the Assessor and Collector of Taxes in assessing and

collecting State and County and other taxes and for issuing ad valorem tax certificates; and repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 214, A bill to be entitled "An Act validating independent school districts which were originally established in one county but which have been redefined by county boards of trustees so as to include territory in more than one county where an order redefining and fixing such boundaries has been passed by the county board of trustees of each county in which such district is situated; etc.; and declaring an emergency."

S. B. No. 338, A bill to be entitled "An Act to permit the leasing of lands subject to any contingent future interest for the development of oil, gas and other minerals; providing for the appointment of a receiver to lease such lands at a public or private sale and receive the proceeds thereof and reinvest such proceeds thereof and distribute income and principal to the proper owners under order of the court; providing for notice to all interested persons; and declaring an emergency."

(With amendments)

S. B. No. 359, A bill to be entitled "An Act granting to the United States an easement in and to the bed and banks of the Rio Grande River from Fort Quitman to the mouth of said river to the extent that such easement may be necessary or expedient in the construction of the projects contemplated by the Treaty of February 3, 1944, between the United States of America and the United Mexican States."

(With amendments)

S. B. No. 365, A bill to be entitled "An Act to amend Chapter VII of House Bill No. 79, Chapter 97 of the General Laws of the Regular Session of the 48th Legislature, 1943, by adding thereto Article 7a; providing for discharge from liability of any bank or depository with whom there may be deposited any public funds upon payment of any warrant, check, or draft drawn by qualified public officials authorized to make withdrawals as to deposits covered by such withdrawals; repealing all conflicting laws; and declaring an emergency."

S. B. No. 374, A bill to be entitled "An Act to amend Acts 1941, Forty-seventh Legislature, Regular Session, page 759, Chapter 474, to create and establish a Cotton Research Committee and providing for the membership of said Committee; prescribing and regulating its authority and duties; declaring a public policy in regard to all State agricultural agencies, departments and State educational institutions; providing for the acceptance of grants or gifts from the United States Government or from private sources; authorizing continuing appropriations; and declaring an emergency."

S. B. No. 391, A bill to be entitled "An Act amending Articles 5369, 5370 and 5371 of the Revised Civil Statutes of the State of Texas, 1925, so as to place upon owners of oil and gas leases granted under authority of Articles 5367 and 5368, Revised Civil Statutes of Texas, 1925, an obligation to adequately protect the leased premises against drainage from lands not included in Articles 5367 and 5368; etc.; and declaring an emergency."

S. B. No. 397, A bill to be entitled "An Act authorizing the formation of corporations for the purpose of engaging in the business of furnishing any service or performing any duty with the use of any devices, tools, instruments, or equipment or by means of any chemical, electrical, or mechanical process in connection with the cementing of the casing seat of any wells for the production of oil, gas, brine, or other substance, the shooting or acidizing the formations of such wells, the treating of such wells, the surveying or testing of the sands or other formations of the earth in any such wells, and the removal of scale from boilers, machines, pipe lines, and other mechanical equipment or apparatus; and having power to buy and sell goods, wares, or merchandise used in such business; providing a savings clause; repealing all laws or parts of laws in conflict; and declaring an emergency."

S. B. No. 425, A bill to be entitled "An Act to amend Article 534 of the Penal Code of the State of Texas, as amended by Acts 1907, page 209; Acts 1918, 4th C. S., p. 125; Acts 1929, 41st Legislature, Chapter 103; and declaring an emergency."

S. B. No. 429, A bill to be entitled "An Act to amend Article 4929 of

the Revised Civil Statutes of 1925, requiring the present provision thereof to be incorporated in certain fire insurance policies hereafter to be issued; and declaring an emergency."

(With amendment)

S. B. No. 431, A bill to be entitled "An Act to authorize the further regulation and supervision of Automobile Insurance, and amending Chapter 253, Acts of the 40th Legislature, p. 373, as amended, and declaring an emergency."

S. B. No. 436, A bill to be entitled "An Act amending Section 2 of Chapter 163, Acts 1931, 42nd Legislature, as amended by Chapter 173, page 283, Acts 1947, 50th Legislature, Regular Session; and validating, ratifying, confirming and approving certain contracts, scrip and time warrants authorized by counties and cities of this State since the approval by the Governor of Texas of said Chapter 173, upon specified conditions, repealing all general and special laws in conflict; and declaring an emergency."

(With amendments)

S. B. No. 454, A bill to be entitled "An Act to amend Chapter 208, the same being House Bill No. 352 as passed by the Regular Session of the Forty-sixth Legislature, Regular Session, providing for the selection of a chairman; providing for the appointment and confirmation of members of the State Commission for the Blind; etc.; and declaring an emergency."

S. B. No. 460, A bill to be entitled "An Act prohibiting the taking, catching, or possession of fish for sale from the waters of the Sabine and Neches rivers in Wood and Smith counties, and prohibiting the buying or selling or the offering for sale or offering to buy any fish caught from the waters of the Sabine and Neches rivers in Wood and Smith counties for a period of two years; providing a penalty; repealing all laws in conflict; and declaring an emergency."

S. C. R. No. 70, Requesting the Governor to return to the Senate Senate Bill No. 36 for further consideration.

H. C. R. No. 136, Instructing the Enrolling Clerk of the House of Representatives to change the word "Act" to "Section" in Senate amendment No. 2 of House Joint Resolution No. 19.

The House has concurred in Senate amendments to House Bill No. 107 by vote of 108 yeas, 2 nays.

The House has concurred in Senate amendments to House Bill No. 685 by vote of 108 yeas, 2 nays.

The House has concurred in Senate amendments to House Bill No. 250 by vote of 106 yeas, 3 nays.

The House has concurred in Senate amendments to House Bill No. 611 by vote of 117 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 550 by vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 212 by vote of 126 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 221 by vote of 126 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 808 by vote of 86 yeas, 34 nays.

The House has concurred in Senate amendments to House Bill No. 422 by vote of 118 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 864 by vote of 126 yeas, 0 nays.

H. B. No. 170, A bill to be entitled "An Act to amend Chapter 77 of the Acts of the Forty-first Legislature, 2nd Called Session, 1929, by making such law applicable to all of the counties, cities, political subdivisions, or tax-assessing districts in the State of Texas; providing for the collection by the Tax Collector of a fee of One Dollar (\$1.00) for the issuance of each certificate on each tract of land to be accounted for as official fees of office; and defining the term 'tract of land'; providing for repeal of all laws or parts of laws in conflict therewith; and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act to amend Sections 2 and 3 of Senate Bill 111, Chapter 61, page 100 of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

H. B. No. 403, A bill to be entitled "An Act making it unlawful for any person who has been convicted of a

felony to have in his possession firearms of certain types or burglary tools of certain types away from the premises upon which he lives; providing a penalty; defining terms; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act providing for the incorporation of a Rural High School District; authorizing the presentation of a petition to the County Board; authorizing the County Judge to call an election; authorizing the Commissioners Court to canvass an election and declare the results; authorizing the Commissioners Court to certify results of election providing for Board of Trustees; providing for property rights of the District; providing for district assumption of indebtedness; repealing all conflicting laws; and declaring an emergency."

H. B. No. 677, A bill to be entitled "An Act to establish the Probate Court of Harris County; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Harris County; etc.; and declaring an emergency."

H. B. No. 844, A bill to be entitled "An Act amending Article 2851, R. C. S. of Texas, 1925, so as to reduce the amount of contractor's bond, relating to textbooks; and declaring an emergency."

H. B. No. 850, A bill to be entitled "An Act amending Article 1433, Revised Civil Statutes, 1925; so as to permit authorized water corporations to lay their pipes, mains and conductors and other fixtures for conducting water through, under, along, across and over all public roads, streets and waters lying and situated outside the territorial limits of any such city, town, or village in such manner as not to incommode the public in the use of such roads, streets and waters, and declaring an emergency."

H. B. No. 916, A bill to be entitled "An Act accepting title to land in El Paso County, tendered to the State of Texas for use by the Agricultural and Mechanical College of Texas as Agricultural Experimental Station, Substation No. 17; authorizing the Commissioners' Court of El Paso County to execute a deed conveying such title to the State; and declaring an emergency."

H. B. No. 956, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of land in Wheeler County forfeited prior to August 1, 1941 and after January 1, 1941, where the lands have been improved by the present occupant to the extent of Three Thousand Dollars (\$3,000.00) or more, providing that the provisions of this Act shall not apply as to intervening rights of third parties; providing that payment of all principal and interest shall be made prior to reinstatement; and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act to amend Article 6954, Revised Civil Statutes of Texas, 1925, as amended; the last amendment being House Bill No. 745, Acts 1949, 51st Legislature, by adding Orange County to the list of Counties named therein so as to permit certain Counties by an election of the freeholders thereof to have a stock law in such Counties, or in subdivisions thereof; and declaring an emergency."

H. B. No. 969, A bill to be entitled "An Act to amend Title 82 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new Article entitled Article 5142C, providing for the establishment of a Juvenile Board in counties containing a population of not less than one hundred and ninety thousand (190,000) inhabitants, nor more than two hundred and twenty-four thousand (224,000) inhabitants, according to the last preceding or any future Federal Census, general or special, and providing for the appointment of Chief Probation Officers, Assistant Probation Officers and Superintendents of juvenile institutions in such counties; etc.; and declaring an emergency."

H. B. No. 970, A bill to be entitled "An Act amending Article 1645a-5, Vernon's Annotated Civil Statutes, as amended by Acts 1939, 46th Legislature, Spec. L., page 594, Section 1, as amended by Acts 1941, 47th Legislature, page 844, Chapter 519, Section 1, providing for and fixing compensation for County Auditors in certain counties; and declaring an emergency."

H. B. No. 971, A bill to be entitled "An Act amending Chapter 63, page 169, Acts of the first called session of the 43rd Legislature, 1933, as amended

by Acts 1934, 43rd Legislature, 4th called session, page 47, Chapter 17, and as amended by Acts 1941, 47th Legislature, page 1,112, Chapter 570, by adding thereto a new section to be known as Section 13 (one) to provide that Lower Neches Valley Authority shall have the power and right to acquire and own lands within or without said district by purchase or by eminent domain, as provided by Section 13 (L), for the purpose of operation and maintenance of same as public parks for public recreation; and that said district shall have the power to construct improvements and facilities on such lands to accomplish such purpose; and to further provide that no funds derived from taxation shall be expended for such purposes; and declaring an emergency."

The House refused to concur in Senate amendments to H. J. R. No. 32 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Ridgeway, Storey, Bergman, Cheatham, Crosthwait.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 359 with House Amendments

Senator Kelley of Hidalgo called S. B. No. 359 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate and the House amendments were read.

Senator Kelley of Hidalgo moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Message from the Governor

The following message, received from the Governor, was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
June 9, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Judge of the 105th Criminal District Court for term to expire December 31, 1950:

Harry M. Carroll of Corpus Christi, Nueces County.

To be District Attorney of the 66th Judicial District, term to expire Dec. 31, 1950:

William B. Martin, Hillsboro, Hill County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Senate Bill 86 with House Amendments

Senator Kelly of Tarrant called S. B. No. 86 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelly of Tarrant moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Carney	Absent—Excused

Senate Bill 338 with House Amendments

Senator Hazlewood called S. B. No. 338 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

House Bill 420 Set as Special Order

Senator Phillips moved that House Bill No. 420 be set as a special order for Wednesday, June 15, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—21

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Colson	Phillips
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Vick
Jones	

Nays—7

Corbin	Moore
Hazlewood	Morris
Lane	Tynan
McDonald	

Absent

Proffer	Weinert
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Absent—Excused

Carney

Motion to Set House Bill 940 as Special Order

Senator Kelly of Tarrant moved that House Bill No. 940 be set as a special order for Wednesday, June 15, 1949, immediately following the disposition of all other special orders set for that day.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—18

Ashley	Bracewell
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Bullock	Kelly of Tarrant
Corbin	McDonald
Cousins	Moffett
Harris	Phillips
Hazlewood	Proffer
Hudson	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—10

Aikin	Martin
Colson	Moore
Hardeman	Morris
Lane	Taylor
Lock	Weinert

Absent

Bell	Shofner
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Absent—Excused

Carney

Motion to Set House Bill 786 as Special Order

Senator Kelley of Hidalgo moved that House Bill No. 786 be set as a special order for Wednesday, June 15, 1949, immediately following the disposition of all other special orders set for that day.

The motion was lost by the following vote (not receiving an affirmative vote of two-thirds of the members present):

Yeas—19

Aikin	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lock
Bullock	Moffett
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hudson	Vick
Jones	

Nays—10

Ashley	McDonald
Hardeman	Moore
Hazlewood	Morris
Lane	Taylor
Martin	Tynan

Absent

Weinert

Absent—Excused

Carney

Senate Bill 495 on First Reading

Senator Vick moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—3

Lane	Strauss
Morris	

Absent

Harris	Phillips
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Absent—Excused

Carney

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Vick:

S. B. No. 495, A bill to be entitled "An Act amending the Acts of 1937, 45th Legislature, page 769, Chapter 371, as amended by the Acts of 1947, 50th Legislature, page 725, Chapter 361, to provide for the conferring of concurrent jurisdiction on the 74th District Court with the County Court of McLennan County, in all misdemeanor cases of which the County Court of McLennan County has original jurisdiction; providing for the docketing of such causes; regulating the fees and costs in such causes; providing rules of procedure in such causes; providing for a six man jury in such cases; and declaring an emergency."

To Committee on Judicial Districts.

Senate Bill 230 with House Amendments

Senator Proffer called S. B. No. 230 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Proffer moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Senate Concurrent Resolution 71

Senator Hudson offered the following resolution:

S. C. R. No. 71, Authorizing the Enrolling Clerk of the House to eliminate an amendment to H. B. No. 97.

Whereas, H. B. No. 97 was passed by the Senate on June 1, 1949, and

Whereas, Prior to such passage an amendment was offered and adopted providing for the striking out of the figures \$2,500,000.00 where such appeared in the said bill and substituting and inserting in lieu thereof the figures \$5,000,000.00, and

Whereas, Said amendment proposed to amend H. B. No. 99 which was not before the Senate, and

Whereas, Such amendment has presented a question and problem as to its effect, and

Whereas, It is the desire and intent of the Senate, the House of Representatives concurring, to eliminate any question of construction and to facilitate the enactment of H. B. No. 97 by authorizing the Enrolling Clerk of the House of Representatives to eliminate from said H. B. No. 97 the amendment relating to H. B. No. 99 purporting to provide for \$5,000,000.00 instead of \$2,500,000.00; be it

Resolved, by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the House be and she is hereby instructed to eliminate the aforesaid purported amendment to H. B. No. 97.

The resolution was read.

Senator Hudson asked unanimous

consent to consider the resolution immediately.

The President announced that there was objection.

Senator Hudson then moved to consider the resolution immediately.

The motion was lost by the following vote:

Yeas—9

Aikin	McDonald
Bullock	Shofner
Hudson	Tynan
Jones	Weinert
Kelly of Tarrant	

Nays—20

Ashley	Lane
Bell	Lock
Bracewell	Martin
Colson	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Kelley of Hidalgo	Vick

Absent

Moore

Absent—Excused

Carney

The resolution was referred to the Committee on Agriculture.

Senate Bill 93 with House Amendments

Senator Kelly of Tarrant called S. B. No. 93 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelly of Tarrant moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Corbin
Ashley	Cousins
Bell	Hardeman
Bracewell	Harris
Bullock	Hazlewood

Hudson	Morris
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Strauss
Martin	Taylor
McDonald	Tynan
Moffett	Vick
Moore	Weinert

Nays—2

Colson	Lock
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Absent—Excused

Carney

Conference Committee on House Joint Resolution 32

Senator Bracewell called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. J. R. No. 32 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the resolution on the part of the Senate: Senators Bracewell, Weinert, Ashley, Tynan and Martin.

Senate Bill 222 with House Amendments

Senator Proffer called S. B. No. 222 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Proffer moved that the Senate do not concur in the House amendments but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Senate Resolution 203

Senator Hardeman offered the following resolution:

Whereas, Dr. K. B. Round and Dr. R. L. Powers, both of San Angelo, Texas, are visitors in the Capitol

today and are interested in observing the legislative processes, and

Whereas, These gentlemen are eminent physicians and surgeons of San Angelo; be it

Resolved, by the Senate, That the presence of these distinguished visitors to the Capitol be recognized and that they be extended the privileges of the floor today.

The resolution was read and was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 438, A bill to be entitled "An Act authorizing credit and resulting benefits to be given members of either the Teachers' Retirement System of Texas and/or the Employees' Retirement System of Texas for any prior service creditable under either Chapter 470, Acts Regular Session, Forty-fifth Legislature, as amended, and/or Chapter 352, Acts Regular Session, Fiftieth Legislature, as amended, etc., and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act authorizing the State Board of Control to grant to the City of San Antonio an easement for sewerage purposes across certain land owned by the State of Texas and occupied by the San Antonio State Hospital; and declaring an emergency."

S. B. No. 480, A bill to be entitled "An Act creating one additional district court for Dallas County; defining its jurisdiction; adjusting the business of existing district courts to the business thereof; prescribing the duties of the District Clerk with respect thereto; providing for the appointment of a Judge therefor; and declaring an emergency."

S. B. No. 483, A bill to be entitled "An Act to amend Article 1154 of the Revised Civil Statutes of Texas, 1925, to provide that cities and towns which have adopted a commission form of government may adopt an aldermanic or other lawful form of government at an election under the procedure for adoption of commission form of government; and declaring an emergency."

S. C. R. No. 55, Granting John J. Bush of Pecos, Texas, permission to sue the State of Texas and the Commissioner of the General Land Office of the State of Texas.

H. B. No. 808, A bill to be entitled "An Act providing for the abolishment of rent control in Texas as established by an Act of the 81st Congress, and declaring all Federal rent controls to be no longer needed; providing a savings clause; and declaring an emergency."

C. S. H. B. No. 422, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and Attorney General; provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

H. B. No. 221, A bill to be entitled "An Act creating a special road law for Reagan County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 20, 1949, setting forth the method of operation; etc., and declaring an emergency."

H. B. No. 685, A bill to be entitled "An Act regulating the taking of squirrels in Cherokee County, Texas; providing a penalty; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 864, A bill to be entitled "An Act to amend Section 1 of H. B. No. 1035, Acts of the 45th Leg., R. S., 1937, page 604, so as to authorize hunting and killing of quail in Wood County each day of the week during open season; providing a penalty; and declaring an emergency."

H. B. No. 611, A bill to be entitled "An Act authorizing Counties to provide for Workmen's Compensation Insurance for County employees and their representatives and beneficiaries for personal injuries sustained in the course of employment and for death resulting from such injuries; provid-

ing that such Counties may be self-insuring or may purchase Workmen's Compensation Insurance from any company, authorized to do business in Texas; providing that all claims shall be presented to and passed on by the Industrial Accident Board; etc.; and declaring an emergency."

H. B. No. 58, A bill to be entitled "An Act prohibiting fishing in the fresh waters of this State, outside of county of residence and adjacent counties thereto without fishing license, providing for issuance and form and fixing fees, of resident, non-resident, and five-day fishing licenses; providing for certain exceptions; defining non-resident; specifying who may issue licenses hereunder; etc.; and declaring an emergency."

H. C. R. No. 133, Suspending the Joint Rules for the purpose of allowing the House and Senate to take up and consider their local and uncontested Calendar on Wednesday or Thursday, June 8th and 9th, 1949.

H. C. R. No. 130, In memory of Honorable E. G. Palmer of Norman-gee, Leon County, Texas.

H. C. R. No. 35, Creating a committee to be known as the "Insurance Code Committee" to study the Statutes of this State affecting the business of insurance, and to recommend an arrangement of the Statutes under a single code or title.

H. C. R. No. 127, Congratulating Miss Ann Tynan of San Antonio, Texas, upon completion of her successful reign as "Sweetheart of the University of Texas."

H. C. R. No. 135, Granting each House permission to adjourn from Thursday, June 9, 1949, to Monday, June 13, 1949.

H. J. R. No. 38, Proposing an amendment to the Constitution of Texas by adding to Article XVI thereof a new Section to be numbered 63 and authorizing the Legislature to provide for a state-wide system of retirement and disability pensions for appointive officers and employees of the several counties of this State; providing that participation therein by counties shall be voluntary, and authorized by the qualified voters of such county, and providing that administration of said system may be committed to the same body set up

to administer the state-wide municipal retirement system authorized under Section 51f of Article III.

H. C. R. No. 26, Relating to a Recreational Lake at Big Spring State Park.

Committee Substitute Senate Bill 118 On Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

C. S. S. B. No. 118, A bill to be entitled "An Act to amend the Public Accountancy Act of 1945, 49th Legislature, known as Article 41a, sections 1 to 27, both inclusive, Revised Civil Statutes of Texas; repealing said Public Accountancy Act of 1945, Article 41a, sections 1 to 27, both inclusive, Act of the 49th Legislature, and any amendments thereto, which is known as the 'Public Accountancy Act of 1945,' providing for the creation of a State Board of Public Accountancy in Texas; providing for the appointment of members of said Board; etc.; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend Section 2, Committee Substitute Senate Bill No. 118, by striking out all of Section 2 and inserting in lieu thereof the following:

"Section 2. *Definitions.* A. (1) The 'practice of public accountancy' within the meaning of this Act is defined as follows: A person other than a Certified Public Accountant engages in the practice of public accountancy who, holding himself out to the public as a public accountant, in consideration of compensation received, or to be received by him, offers to perform or does perform, for other persons, services which involve the auditing or examination of financial transactions, books, accounts or records, or the preparation of, or the reporting over his signature on, accounting and related statements. It is expressly provided that the definition of 'practice of public accountancy' as set out in this Act, does not repeal the definition of practice of public accountancy as set forth in the Act of 1945, except insofar as it affects the practice of public accountancy by others than

Certified Public Accountants.

"(2) Board. The term 'Board' when used in this Act means the 'Texas State Board of Registered Public Accountants.'

"(3) Person. The term 'person' or 'persons' when used in this Act shall, unless the context indicates otherwise, mean individuals, partnerships and corporations.

"B. *Acts not restricted.* Nothing in this Act shall be construed as applying to any County Auditor or other officer of the State, county, municipality, quasi-municipality or other political subdivision thereof, or of their assistants, deputies or employees."

(Senator Tynan in the Chair)

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 118 by striking out Section 22 thereof.

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Section 4, Committee Substitute for Senate Bill No. 118, by striking the word "clerks" in the next to the last line of the paragraph, and substituting therefor the word "persons."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend subsection (d), of Section 9, Committee Substitute for Senate Bill No. 118, by inserting the following language after the word "time." and before the word "Each" in line 6 under said subsection (d) as follows, to-wit:

"Each applicant shall be required to make a grade of at least seventy-five (75) per cent on each subject."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Section 9, Subsection (b), Page 7, of Committee Substitute for S. B. 118 by adding the following words between the letter "a" and the word "Junior": "Commercial College, Business College,"

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Section 9, Subsection (a), Page 7, of Committee Substitute for S. B. 118 by adding the following words between the letter "a" and the word "Junior": "Commercial College, Business College,"

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend Committee Substitute Senate Bill 118 by striking out all below the enacting clause, and inserting in lieu thereof the following:

Section 1. Amend Section 4 of Senate Bill 176, Chapter 315, Page 517, Acts of the 49th Legislature, by striking out all of said Section 4 and substituting in lieu thereof the following:

Section 4. The Texas State Board of Public Accountancy shall consist of seven members, each of whom shall be a citizen of the United States and a resident of the State of Texas. Each member shall be engaged in the practice of public accountancy and the holder of a permit to practice public accountancy issued under the Public Accountancy Act of 1945, as amended. Five of said members shall be holders of certificates as Certified Public Accountants issued under the laws of this State. Two members of the Board shall be non-certified public accountants. Those members of the Board who have been appointed and have qualified and are acting at the time of the final passage of this Act shall continue as members of the Board until the expiration of the terms to which they were appointed and until their successors have been appointed and qualified. As of September 4, 1949, in addition to the members of said Board to be appointed as now provided by law, the Governor, with the advice and consent of the Senate, shall appoint as members of said Board two persons who are the holders of permits to practice public accountancy issued under the laws of this State, but who are not the holders of the certificate of Certified Public Accountancy, one of said appointees to be appointed for a term of one year, and the other for a term of two years. All appointments to be made hereunder, except as herein provided, shall be for a period of two years or until their successors have

been appointed and qualified. Vacancies occurring during a term shall be filled by appointment of the Governor for the unexpired term. The Governor shall remove from the Board any member whose permit to practice has become void, revoked or suspended or who shall have moved his legal residence from the State of Texas.

Section 2. Amend Section 5 of Senate Bill 176, Chapter 315, Page 517, Acts of the 49th Legislature, by striking out all of said Section 5 and substituting in lieu thereof the following:

Section 5. The Board shall administer the provisions of this Act. The Board shall formally elect a Chairman and a secretary-treasurer from its members and may adopt such rules as it deems necessary for the orderly conduct of its affairs. The Board may promulgate, and may amend from time to time, rules of professional conduct appropriate to establish and maintain a high standard of integrity in the profession of public accountancy, after notice to all holders of valid permits to practice public accountancy in this state. Such notice shall set forth the proposed rules of professional conduct or amendments and the time when same shall be voted on by public accountants holding valid permits under this Act. No such rule or amendment shall be operative until approved by a majority of those voting at such election. The voting shall be by mail and under such reasonable rules and regulations as the Board may prescribe. The Board shall declare the results of such election and proclaim the effective date of such rules of professional conduct, or amendments, and adopt reasonable means of notifying all public accountants of the results of such election. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed. The Board shall keep records of all proceedings and actions by and before the Board. The Board may employ such clerks as are necessary to assist it in the performance of its duties and in the keeping of its records. The members of the Board who are non-certified public accountants shall have all the authority, responsibility and duties of any other member of said Board except as to the giving of examinations to candidates seeking the certificate of Certified Public Accountant and except as to all other matters relating to the issuance of certificates

as Certified Public Accountants as provided for in Section 12 of the Public Accountancy Act of 1945. The Board members holding certificates as certified public accountants shall have the sole responsibility and duty of performing all acts relating to examinations for the issuance of certificates as Certified Public Accountants.

Section 3. Amend Section 11 of Senate Bill 176, Chapter 315, Page 517, Acts of the 49th Legislature, by striking out all of said Section 11, and substituting in lieu thereof the following:

Section 11. All persons listed in subdivisions (a), (b), and (c) of this Section who are citizens of the United States, or have declared their intention of becoming citizens, who reside within the State or have a place for the regular transaction of business therein, and who are twenty-one (21) years of age or over, and of good moral character, may register on or before the first day of November, 1949, with the Board as public accountants as provided in Section 10 of Acts of 1945, Forty-ninth Legislature, Page 517, Chapter 315.

(a) Persons engaged at the date of the enactment of this Act, or persons who have engaged for at least three (3) years during the ten (10) years immediately preceding the date of enactment of this Act, in the practice of public accountancy within the State either as individuals on their own account, members of copartnerships engaged in the practice of public accountancy, or as officers of corporations engaged in the practice of public accountancy;

(b) Any individual who at the date of the enactment of this Act, may be an employee of any person engaged in the practice of public accountancy or may be employed in any governmental agency, provided all such persons meet any one of the three (3) following standards;

(1) Who is a graduate of a junior college, senior college, or university and has completed thirty (30) or more semester hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least twenty (20) semester hours or the equivalent thereof shall be in the study of accounting, and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor

in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters for two (2) years preceding the date of the enactment of the Public Accountancy Act of 1945; or

(2) Who is a graduate of a junior college, senior college or university but has not completed the hours of study in subjects specified in subdivision (1) of this Section, and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters for three (3) years preceding the date of the enactment of the Public Accountancy Act of 1945; or

(3) Who is a graduate of a high school or has an equivalent education and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters, for at least four (4) years preceding the date of enactment of the Public Accountancy Act of 1945.

Section 4. Amend Section 15 of Senate Bill 176, Chapter 315, Page 517, Acts of the 49th Legislature, by striking out all of said Section 15, and substituting in lieu thereof the following:

Section 15. Examinations, Re-examinations, and Fees Therefor. All examinations provided for herein shall be conducted by the Board. The examinations shall take place as often as may be necessary in the opinion of the Board but not less frequently than once each year. The time and place of holding examinations shall be duly advertised for not less than three days in three daily newspapers published in the three most populous cities in Texas beginning not less than thirty days prior to the date of each examination. A candidate who fails shall have the right to any number of re-examinations. A candidate who passes a satisfactory examination in at least one subject, or has passed at least two subjects under the prior Acts (Chap-

ter 122, Acts 34th Legislature, and Public Accountancy Act of 1945) shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the Board, and if he passes in the remaining subjects, he shall then be considered to have passed the examinations. The Board shall charge for the examinations (together with certificates to successful applicants provided for in this Act) a fee of Twenty-five Dollars (\$25.00) which shall be payable by the applicant at the time of making initial application. Should the applicant fail to pass the required examination, re-examination or subsequent examinations will be given the same applicant for an additional fee of Ten Dollars (\$10.00) for each examination. Any person who has taken the examination under the prior Acts shall be entitled to re-examination under this Act. All fees provided for in this Act shall be paid to the secretary-treasurer of the Board.

Section 5. The fact that non-certified public accountants do not have representation on the Texas State Board of Public Accountancy, and the crowded condition of the calendar of both Houses of the Legislature create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Bracewell offered the following amendment to the amendment:

Amend Morris substitute for S. B. 118, by striking out the words "first day of November 1949" in Section 11 and substituting the words "first day of January 1950."

The amendment to the amendment was adopted.

Senator Hazlewood moved to table the amendment as amended.

Question—Shall the motion to table prevail?

Motion to Recess

Senator Weinert moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

The motion was lost by the following

vote:

Yeas—14

Aikin	Moffett
Ashley	Morris
Colson	Phillips
Cousins	Strauss
Hudson	Taylor
Kelly of Tarrant	Tynan
McDonald	Weinert

Nays—14

Bell	Kelley of Hidalgo
Bracewell	Lane
Bullock	Martin
Corbin	Moore
Harris	Proffer
Hazlewood	Shofner
Jones	Vick

Absent

Hardeman	Lock
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Absent—Excused

Carney

Notice of Motion for Executive Session

Senator Strauss asked unanimous consent that the Senate hold an executive session at 2:30 o'clock p.m. today.

The Presiding Officer announced that there was objection.

Senator Strauss then gave notice that he would at 2:30 o'clock p.m. today move that the Senate hold an executive session immediately.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read severally the first time and referred to the committees indicated:

H. B. No. 971, to Committee on Counties and County Boundaries.

H. B. No. 970, to Committee on Counties and County Boundaries.

H. B. No. 969, to Committee on Counties and County Boundaries.

H. B. No. 959, to Committee on Counties and County Boundaries.

H. B. No. 956, to Committee on Public Lands and Land Office.

H. B. No. 916, to Committee on State Affairs.

H. B. No. 850, to Committee on Towns and City Corporations.

H. B. No. 844, to Committee on Education.

H. B. No. 677, to Committee on Judicial Districts.

H. B. No. 439, to Committee on Education.

H. B. No. 403, to Committee on Criminal Jurisprudence.

H. B. No. 271, to Committee on Banking.

H. B. No. 170, to Committee on Civil Jurisprudence.

H. B. No. 891, to Committee on Finance.

H. B. No. 965, to Committee on Civil Jurisprudence.

H. B. No. 957, to Committee on Counties and County Boundaries.

Report of Conference Committee on House Joint Resolution 22

Senator Hardeman submitted the following report:

Austin, Texas,
May 31, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Senate on House Joint Resolution 22, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

HAZLEWOOD
MOFFETT
WEINERT
HARDEMAN

On the part of the Senate.

SMITH of Hays
VALE
MORRISON
STOREY
ISAACKS

On the part of the House.

By Smith of Hays.

H. J. R. No. 22, Proposing an amendment to Article V, Section 7 of the Constitution of the State of Texas to provide that the Judge of the

District Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law; providing for election proclamation and submission to qualified electors of the State.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 7 of Article V of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Sec. 7. The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a General Election, a Judge, who shall be a citizen of the United States and of this State, who shall be licensed to practice law in this State and shall have been a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who shall have resided in the district in which he was elected for two (2) years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the period of four (4) years, and shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district at least twice in each year in such manner as may be prescribed by law. The Legislature shall have power by general or special laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

"The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

"The District Judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on September 24, 1949, at which time all

ballots shall have printed thereon:

"FOR the Constitutional Amendment providing that the District Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law"; and

"AGAINST the Constitutional Amendment providing that the District Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law."

Each voter shall scratch out one of said clauses on the ballot, leaving the one expressing his vote on the proposed amendment. In counties or other subdivisions using voting machines, the above provision for voting for and against this Constitutional Amendment shall be placed on said machine in such a manner that each voter shall vote on such machine for or against the Constitutional Amendment.

Sec. 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State.

The report was read.

Recess

Senator Weinert moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Bell moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Aikin	Moffett
Ashley	Morris
Colson	Phillips
Cousins	Strauss
Hudson	Taylor
Kelly of Tarrant	Tynan
Lock	Weinert
McDonald	

Nays—14

Bell	Jones
Bracewell	Kelley of Hidalgo
Bullock	Lane
Corbin	Martin
Hardeman	Proffer
Harris	Shofner
Hazlewood	Vick

Absent

Moore

Absent—Excused

Carney

The Senate accordingly at 12:15 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Tuesday, June 14, 1949)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Senate Resolution 204

Senator Vick offered the following resolution:

Whereas, The Honorable Gene McNamara, Major in the United States Army, of Waco, Texas, is a visitor in the City of Austin and the Capitol today; and

Whereas, Major McNamara served his State with distinction in the House of Representatives; and

Whereas, It is the desire of the Senate to extend to Major McNamara the privileges of the floor today and to extend to him a warm welcome to the Capitol; now, therefore, be it

Resolved, By the Senate of Texas, That the Honorable Gene McNamara be and he is hereby extended the privileges of the floor for the day.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 705 and has requested the appointment of a conference committee to

consider the differences between the two Houses.

The following have been appointed on the part of the House:

Gregory, Clifton, McDonald, Stockard, and Johnson.

The House refused to concur in Senate amendments to House Bill No. 642 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Brooks, Jack, Briscoe, Pattison, Wisener, and Peterson.

H. B. No. 972, A bill to be entitled "An Act making an appropriation from the General Revenue Fund for the publication of certain proposed Constitutional Amendments; and declaring an emergency."

The House has granted the request of the Senate for a conference committee on S. C. R. No. 36.

The following have been appointed on the part of the House:

Ivey, Briscoe, Tippen, Murray, and Johnson.

The House has granted the request of the Senate for a conference committee on Senate Bill No. 70.

The following have been appointed on the part of the House:

Zivley, Moore, Bergman, King, and Thomas.

In accordance with the provisions contained in the House Simple Resolution No. 253, I hereby request the Senate to return S. B. No. 36 to the House of Representatives for further consideration.

S. B. No. 192, A bill to be entitled "An Act to amend the Statutes of the State of Texas relating to the regulation of County Mutual Insurance Companies by amending Sections 1, 5, 9, 10, 15, and 16 of Senate Bill No. 121 enacted by the 45th Legislature at its Regular Session in 1937 as thereafter amended, and Section 2a of Section 1 of House Bill No. 155 enacted by the 50th Legislature at its Regular Session in 1947; and declaring an emergency."

(With amendments)